

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ACCRUEME, LLC and LUXE BATH, LLC,

Plaintiffs,

v.

ORDER

MARK WOEPPEL, Individually and as
Equity Member of Luxe Bath, LLC,

20-cv-10777 (PMH)

Defendant.

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PHILIP M. HALPERN, United States District Judge:

Plaintiffs commenced this action for breach of contract, breach of the implied covenant of good faith and fair dealing, unjust enrichment, and injunctive relief on December 21, 2020. (Doc. 1). Simultaneously, Plaintiffs filed an Emergency Motion for a Temporary Restraining Order (“TRO”) without notice to Defendant. (Doc. 2). Plaintiffs’ application for a TRO without notice to the adverse party is DENIED as Plaintiffs have failed to comply with and/or satisfy Federal Rule of Civil Procedure 65(b)(1). Additionally, no TRO will issue herein because, based upon the moving papers, there is no showing of irreparable harm, and, separately, based upon the moving papers, money damages will suffice.

Plaintiffs may, if so advised, refile a proper application by proposed order to show cause for a preliminary injunction. Plaintiffs shall include in their application a detailed explanation of the amount in controversy to enable the Court to determine whether diversity jurisdiction exists pursuant to 28 U.S.C. § 1332.¹

The Clerk is instructed to terminate the pending motion (Doc. 2).

¹ Should Plaintiffs file a proposed order to show cause for a preliminary injunction, the order should be in a format typically used and returnable in the Southern District of New York, not the Eastern District of New York. (See Doc. 2-4 at 6).

SO ORDERED:

Dated: New York, New York
December 22, 2020

A handwritten signature in black ink, appearing to read 'Philip M. Halpern', written over a horizontal line.

Philip M. Halpern
United States District Judge